

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND**

UNITED STATES OF AMERICA)	
)	Criminal No. 20-074-MSM
v.)	
)	
DAVID STAVELEY)	
Defendant.)	

**GOVERNMENT’S OPPOSITION TO DEFENDANT’S MOTION
ENTITLED “IMPROPER COMMUNICATION BY CHIEF JUDGE DISTRICT OF R.I.”**

On August 29, 2022, defendant David Staveley (“Staveley”) filed a motion seeking unspecified “immediate relief” based on his allegation that he was not given credit at sentencing for having been vaccinated against COVID-19. Staveley claims that Chief Judge McConnell’s remarks to prisoners at the Wyatt Detention Center led him to believe that the Court would look favorably upon him at sentencing if he chose to be vaccinated. Defendant’s motion is frivolous and should be immediately denied.

The Government has no first-hand knowledge of any remarks the Chief Judge may have made to inmates at Wyatt. Based on defendant’s motion, it appears that the Chief Judge spoke to a group of inmates at Wyatt in an attempt to encourage vaccination. If so, this was an entirely appropriate step for the Court to take in order to protect the health and safety of the inmates, prison staff, defense counsel and court personnel. Judge McConnell certainly never promised any defendant a lesser sentence if he/she made the responsible choice and got vaccinated.

Moreover, defendant does not and cannot argue that his decision to plead guilty was in any way influenced by the Chief Judge’s remarks encouraging vaccination. Defendant pled guilty because the evidence that he committed fraud on the Paycheck Protection Program was

overwhelming as was the evidence that he intentionally failed to appear for a court appearance. Thus, even if defendant misinterpreted the Chief Judge's statements as some sort of promise of leniency, there was absolutely no prejudice to the defendant because those statements were immaterial to his decision to plead guilty.

For the foregoing reasons, defendant's motion should be denied.

Respectfully submitted,

ZACHARY A. CUNHA
UNITED STATES ATTORNEY



LEE H. VILKER
Assistant U.S. Attorney

CERTIFICATE OF SERVICE

I hereby certify that on this 31st day of August 2022, I caused the within Government's Opposition to be filed electronically and it is available for viewing and downloading from the ECF system. I also certify that this Opposition has been mailed to:

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/s/ Lee H. Vilker
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